

**TOWN OF CHATHAM
SPECIAL TOWN BOARD MEETING
December 15, 2011**

A special meeting of the Town of Chatham Town Board was held on December 15, 2011 at 7:00 PM at the town hall at 488 Route 295, Chatham, NY for the purpose of considering contracting with the Tri-Village Fire Company, Inc. for fire protection in 2012.

PRESENT

Supervisor Jesse DeGroot, Councilman Maria Lull, Councilman Jean Rohde, Councilman Henry Swartz, Comptroller Earl Kelsey, Town Attorney Tal Rappleyea, Town Clerk Beth Anne Rippel, members of the Tri-Village Fire Company and others.

Supervisor DeGroot opened the meeting at 7 PM and lead the pledge to the flag.

The Public Hearing on the Tri-Village Fire Company 2012 contract was opened at 7:01PM.

-Bob Balcom would like to see the public hearing on the budget held in September next year.

There was no further comment and the Public Hearing was closed at 7:03 PM

The Regular meeting was opened at 7:04 PM.

CORRESPONDENCE

A. Charter Communications regarding a rate increase effective in the January 2012 billing statement.

B. Town of Ulysses asking the Town to consider joining them in filing an amicus Curiae or “friend of the court” brief.

PUBLIC COMMENT

None

REPORTS

A. Highway – report on file.

B. Recreation Department – report on file.

C. Code Enforcement/Zoning Enforcement – report on file

D. Dog Control – December has been a quiet month.

E. EMC – none

F. Justice Court – report on file

G. Assessor – Dan Horst would like to recognize retiring Assessors Cathy Bell and Jim Connors for their contributions to the Town throughout their many years of service.

H. ZIC – The committee will re-convene in February.

I. Supervisor – The County Board of Supervisors voted against hiring a Human Resource assistant.

J. Comptroller – report on file

NEW BUSINESS

A. 2012 shelter contracts will be addressed in January 2012

B. EMS Authority: Tri-Village Fire Company and East Chatham Fire Co.

RES. #111-11 to grant authority to the Tri-Village Fire Company and the East Chatham Fire Company to provide emergency medical care to the residents of the Town of Chatham. Supervisor DeGrootd offered RES. #111-11 and moved its adoption to grant authority to the Tri-Village Fire Company and the East Chatham Fire Company to provide emergency medical care to residents of the Town of Chatham, as defined by Article 30 of NYS Public Health Law, Councilman Swartz seconded the motion.

VOTE:

AYES: DeGrootd, Lull, Rohde, Swartz

NAYS: None Resolution adopted.

C. Town of Ulysses “friend of the court” request.

RES. #112-11 to join the Town of Ulysses in filing an Amicus Curiae or “friend of the court”. Supervisor DeGrootd offered RES. #112-11 and moved its adoption; to approve becoming an Amicus Curiae in actions involving municipal Home Rule pending before New York State Appellate Courts, December 15, 2011.

WHEREAS; the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws have been challenged in court by opponents claiming that the Towns do not have the power to regulate natural gas drilling as a land use; and **WHEREAS**, the Town of Ulysses has filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of municipalities throughout New York State to determine what land uses are appropriate through the municipal home rule powers granted by the New York State Constitution and the New York Municipal Home Rule Law; and **WHEREAS**, the Town of Ulysses will file another amicus brief when these lawsuits are appealed to New York appellate courts and has requested that other municipalities in New York State consider joining the Town of Ulysses' brief as a powerful statement to the appellate courts, the New York State Department of Environmental Conservation, and the New York State Legislature about the importance of protecting municipal home rule in New York State and a municipality's right to decide, for itself, whether natural gas drilling--or any other land use for that matter-is appropriate for its citizens,

NOW, THEREFORE, BE IT RESOLVED that: 1. The Town Board hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the Town of Ulysses' amicus brief to the appellate courts. 2. The Town Board does hereby authorize and direct the Supervisor to complete or cause to be completed any and all such further documents and papers in the name and on behalf of the Town as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution, The Town Clerk will send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm St., Trumansburg, NY 14886.

Councilman Rohde seconded the motion.

VOTE: AYES: DeGrootd, Lull, Rohde, Swartz

NAYS: None Resolution adopted

D. The 2012 Organizational Meeting is set for January 3, 2012 at 7:00 PM

OLD BUSINESS

A. Building permits fees.

RES. #113-11 to approve changes to the Building Permit fee schedule as outlined. Councilman Lull offered RES. #113-11 and moved its adoption to approve changes to the Building Permit fee schedule as outlined. Councilman Swartz seconded the motion.

VOTE: AYES: DeGroodt, Lull, Rohde, Swartz
NAYES: None Resolution adopted Copy attached.

B. Town Hall.

The Town Board would like to name the Town Hall in honor of past Councilman Tom Meyn who was instrumental in its acquisition. More information to follow in the spring of 2012.

RESOLUTIONS

RES. #114-11 to approve the minutes of the November 17, 2011, regular town board meeting and the November 19, 2011 special town board meeting. Councilman Rohde offered RES. #114-11 and moved its adoption to approve the minutes of the November 17, 2011, regular town board meeting and the November 19, 2011 special town board meeting. Councilman Lull seconded the motion.

VOTE: AYES: DeGroodt, Lull, Rohde, Swartz
NAYES: None Resolution adopted

RES. #115-11 to amend the 2012 town budget. Supervisor DeGroodt offered RES. #115-11 and moved its adoption to amend the 2012 town budget for the East Chatham Fire Company to reflect an unexpended balance of \$2018.00 and a reduction in the amount to be raised from taxes from \$69,813.00 to \$67,795.00. Council Rohde seconded the motion.

VOTE: AYES: DeGroodt, Lull, Rohde, Swartz
NAYES: None Resolution adopted

RES. #116-11 to approve the 2012 Tri-Village Fire Company, Inc. fire protection contract. Supervisor DeGroodt offered RES. #116-11 and moved its adoption to approve the 2012 Tri-Village Fire Company, Inc. fire protection contract. Councilman Lull seconded the motion.

VOTE: AYES: DeGroodt, Lull, Rohde, Swartz
NAYES: None Resolution adopted
FIRE PROTECTION CONTRACT

THIS AGREEMENT, made as of the 15th day of December, Two Thousand Eleven and, by and between the TOWN OF CHATHAM a municipal subdivision of the County of Columbia, State of New York (hereinafter designated as the party of the, first part), and the TRI- VILLAGE FIRE

COMPANY, INC., a volunteer fire company organized and existing under and by virtue of the Laws of the State of New York, with its firehouse located in the Town of Chatham, Columbia County, New York (hereinafter designated as the party of the, second part), and **WITNESSETH: WHEREAS**, there has been established in the said **TOWN OF CHATHAM** a Fire Protection District known as the TRI-VILLAGE FIRE PROTECTION DISTRICT, embracing territory in said Town, as such territory is more fully described in the Resolution establishing such District, and **WHEREAS**, following a Public Hearing duly called and held, pursuant to Town Law § 184, the party of the first part duly authorized a Contract with the party of the second put through its Fire Department for fire protection end emergency service to that portion of the **TOWN OF CHATHAM** within said District upon the terms and provisions hereinafter set forth, and **WHEREAS** this Contract has also been duly authorized by the party of the second, **NOW THEREFORE**, the party of the first part engages the party of the second part to furnish fire protection and emergency service to that portion of the said Town within said

District, and the party of the second part agrees to furnish such protection in manner following, to wit:

(1) The party of the second part shall at all times during the period of this Agreement be subject to call for attendance upon any fire or emergency service in case of accidents, calamities or other emergencies in connection with which the services of

firefighters would be required and occurring in that portion of said Town within such District, and when notified by alarm or telephone call, such Fire Department shall respond and attend upon the fire or emergency without delay with one or more companies and with suitable ladder, pumping and hose apparatus of the party of the

second part upon arriving at the scene of the fire, the firefighters of such Department attending shall proceed diligently and in every way reasonably necessary to extinguish said fire, and to save and protect the lives and property of persons affected thereby.

(2) The term of this Agreement shall be for one (1) year, commencing January 1, 2012 and terminating December 31, 2012, subject to the right of said Fire Company to terminate said Agreement at the end of any calendar year in order to request additional annual compensation in the event that unforeseen financial obligations nor resulting from actions of said Fire Company should result in significant, increased annual expenses to it.

(3) In consideration of furnishing aid and the use of apparatus as aforesaid, the party of the first part shall pay the party of the second part the sum of \$185,000.00 for one year during which this Agreement remains in effect.

(4) Any loss or damage sustained to the fire apparatus or equipment of the party of the second part, or any expense in connection therewith, shall be borne by the party of the second part and not by the **TOWN OF CHATHAM**.

(5) Each party shall assume the obligations imposed upon it by the appropriate statutes of the State of New York for medical expense, compensation or other benefits or claims arising by reason of the injury or death of a fireman or member of the emergency relief squad of the said Fire Company which may be sustained by reason of answering, attending or returning from any fire, or emergency call within the District.

(6) All money to be paid under any provision of this Agreement by the party of the first part

shall be charged upon that portion of the Fire Protection District within the Town protected hereunder, said sums to be assessed and levied upon the taxable real property therein and collected with the respective Town taxes.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers this 15th day of December , 2011 effective as of the 1st day of January 2012.

TOWN OF CHATHAM

By: _____
Jesse DeGroodt, Supervisor

TRI- VILLAGE FIRE COMPANY, INC.

By: _____
Authorized Officer

PUBLIC COMMENT

- ◆ Bob Balcom thanked the Board for joining the Town of Ulysses in filing an amicus brief.

Motion was made by Councilman Swartz to adjourn at 7:22 p.m.. Supervisor DeGroodt seconded the motion.

Respectfully submitted,

Beth Anne Rippel
Town Clerk/Tax Collector